

RULES OF PROCEDURE

FOR THE

TUKWILA PLANNING COMMISSION

AND

BOARD OF ARCHITECTURAL

REVIEW

Adopted April 17, 1958
Amended November 29, 1973
Amended February 28, 1974
Amended July 29, 1982
Amended February 26, 1998
Amended March 23, 2006
Amended January 15, 2009

**RULES OF PROCEDURE
FOR THE
TUKWILA PLANNING COMMISSION AND
BOARD OF ARCHITECTURAL REVIEW**

ARTICLE I – NAME

The name of the group shall be “The Tukwila Planning Commission and Board of Architectural Review.” The Board of Architectural Review shall consist of the members of the Planning Commission. The officers of the Planning Commission shall also sit as officers of the Board of Architectural Review. All references to Commission in these by-laws shall include both the Planning Commission and Board of Architectural Review unless otherwise specified.

ARTICLE II – PURPOSE AND GOALS

The purpose of the Tukwila Planning Commission is to perform the function of a Municipal Planning Commission as set forth in Chapter 35.63 of the Revised Code of Washington (“RCW”) and Chapter 2.36 of the Tukwila Municipal Code (“TMC”). The purpose of the Tukwila Board of Architectural Review is to review land development and building design per the TMC Chapter 18.60.

The goals of the Planning Commission are as follows:

1. To influence in a positive manner the major planning efforts and projects that will affect the city.
2. To advocate consistency and integration among plans which provide a future image and direction for the city as well as the means for meeting more immediate needs.
3. To insure that effective citizen participation, including opportunities for timely public involvement, are part of the City’s planning processes.
4. To represent a whole-city view point when evaluating proposed plans, projects and issues.
5. To make recommendations which recognize the city’s needs and government’s constraints as well as identified citizen viewpoints.
6. To fairly judge the merits of quasi-judicial applications such as conditional use permits.

The goal of the Board of Architectural Review is to provide review by public officials of land development and building design in order to promote the public health, safety and welfare. Specifically, the Board of Architectural Review (“BAR”) shall only approve well-designed developments that are creative and harmonious with the natural and manmade environments. Individual project approvals shall be based on an evaluation of the project design against the applicable design guidelines, Zoning Code requirements and other development standards.

ARTICLE III – ATTENDENCE

Section 1: Any Commissioner anticipating absence from an official meeting will notify the Chair or Recording Secretary at least one day in advance of the meeting. The Commission may move to excuse the absence of any member who provides such notice.

Section 2: Any Commissioner who misses, unexcused, three consecutive regular meetings shall be subject to dismissal.

ARTICLE IV – OFFICERS

Section 1: Officers. The officers of the Tukwila Planning Commission shall be a Chair, Vice-Chair and a Secretary. The Chair and Vice-Chair shall be selected from among the seven members who comprise the Commission. The Secretary of the Commission shall be the Director of the Tukwila Community Development Department, or his/her designee.

Section 2: Rotation of Officers. The Chair and Vice-Chair positions shall be rotated according to seniority on the Commission. The prior year's Vice-Chair advances to Chair and assumes responsibilities at the first PC/BAR meeting of the year. The next Commissioner in order of seniority assumes the Vice-Chair office at that same meeting. A Commissioner may defer service as Vice-Chair for one year in which case the office will pass to the next Commissioner in line. A Vice-Chair may decline to advance to Chair in which case the next two Commissioners in line will take office at the first meeting of the year.

Should a Chair resign or otherwise vacate his/her office the Vice-Chair shall assume Chair responsibilities at the next meeting and the next Commissioner in order of seniority assumes the Vice-Chair office at that same meeting. If the Vice-Chair declines to advance to Chair the next two Commissioners in line will take office at the next meeting.

Section 3: Duties of the Chair. Shall be to preside at all meetings of the Tukwila Planning Commission, enforce the rules of procedure, and execute the will of the Commission. The Chair shall appoint all sub-committees.

Section 4: Duties of the Vice-Chair. Shall be to assist the Chair and during his/her absence to act as Chair until the Chair is able to resume his/her duties.

Section 5: Chair Pro-Tem. In the absence of the Chair and Vice-Chair, a Chair pro-tem shall be elected informally by the members present to conduct the meeting.

Section 6: Duties of the Secretary. Shall be:

- a) Take roll at regular, special and public hearing meetings.
- b) Keep a record of all correspondence.
- c) Preserve all manuscripts and records.
- d) Keep a current roster of all members.

- e) Prepare and circulate the monthly Planning Commission packets.
- f) Record and transcribe the minutes of all meetings of the Commission.

ARTICLE V – MEETINGS AND VOTING

Section 1: Meetings. Shall be scheduled the fourth Thursday of every month or as deemed necessary by the Director of Community Development who will direct the Secretary to transmit an agenda of the business of said meeting to each member.

The Planning Commission may hear both legislative and quasi-judicial actions. The Commission may devote part or all of a meeting to an informational work session during which no comments from the public will be permitted, unless the Chairperson or a majority, on a case-by-case basis, decides otherwise. All Board of Architectural Review hearings are quasi-judicial in nature. All meetings shall be open to the public and duly noticed per the applicable regulations in the Tukwila Municipal Code.

Quasi-judicial public hearings determine the legal rights, duties or privileges of specific parties, decided in a contested case proceeding by non-judicial decision-makers such as planning commissions, city councils and hearing examiners. The decisions made as a result of such hearings must be based on and supported by the record developed at the hearing. Therefore these types of hearings are subject to stricter procedural requirements than legislative hearings.

The purpose of legislative public hearings is to obtain public input on matters of policy. They do not involve the legal rights of specific, private parties in a contested setting but rather affect a wider range of citizens or perhaps the entire City. If challenged, the decision reached at a legislative public hearing is only reviewed to determine if it is constitutional or violates state law.

All meetings of the Planning Commission shall be governed by these by-laws. Where the by-laws do not state otherwise, the parliamentary rules and procedures contained in the current edition of *Roberts Rules of Order* shall apply.

Section 2: Quorum. Shall consist, at all meetings of the Commission, of a simple majority of the total number of Planning Commission members, not less than four of whom shall be appointed members.

Section 3: Conflict of Interest and Appearance of Fairness for Quasi-Judicial Actions

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct quasi-judicial hearings and make quasi-judicial decisions in a way that is both fair in appearance and in fact. Any member of the Commission who in his or her opinion has an interest in any matter before the Commission that would prejudice his or her actions shall so publicly indicate and shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question so as to avoid any possible conflict of interest or violation of the appearance of fairness.

If a member of the Commission or his/her immediate family has a tangential interest in the matter at hand but does not think that this would prejudice his/her opinion the member should publicly disclose this interest on the record prior to the start of the hearing and allow persons to challenge his/her participation in the hearing. If so challenged the member shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question. If not challenged the member may participate.

If a member of the Commission has had ex-parte communication with either proponents or opponents of the project the member shall place the substance of the written or oral communication on the record, make a public announcement of the content of the communication, and allow persons to challenge his or her participation in the hearing. If so challenged the member shall step down, leave the hearing room and refrain from voting and any manner of participation with respect to the matter in question.

The Commission is subject to the City's ethics ordinance codified at TMC Chapter 2.95.

Section 4: Agenda

- a) The preparation of the agenda will be the duty of the Community Development Director or his/her designee, and he or she will coordinate that preparation with the Chairperson.
- b) The agenda may be divided into sections and be continued to subsequent meetings when it is apparent that one meeting will not be sufficient to complete the scheduled business.
- c) Copies of the agenda will be available to all Commission members with the meeting packet.
- d) The order of business shall be as prescribed on the agenda; changes to the agenda order shall be approved by majority vote of Commissioners present.

Section 5: Meeting Decorum. To provide a fair and efficient forum for the conduct of business at Planning Commission meetings, the following rules of decorum shall be observed:

- a) No person shall address the Commission without first obtaining recognition from the Chair.
- b) The Commission may allow comments from members of the public attending work sessions by permission of the Chair or majority vote.
- c) If there are a large number of people who wish to speak at a meeting the Chair may limit each speaker to a specific number of minutes of speaking time. If a speaker is representing an organization, the Chair may grant that speaker additional speaking time
- d) If audience dialogue becomes disruptive, the Chair may recess the meeting or request that the meeting be adjourned.

- e) Once a member of the public has spoken in regard to a specific matter before the Commission, he or she shall not be recognized to speak again until all persons wishing to speak have first been given the opportunity to do so.
- f) To aid in the creation of accurate meeting minutes all speakers should identify themselves each time they address the Commission.
- g) Planning Commission meetings will generally begin at 7:00 PM or as indicated on the public notice. They will continue until the agenda items have been completed or until 10:00 PM whichever comes first. Continuation of a meeting past 10:00 PM requires approval of a motion to extend by a majority vote. If no motion is approved the Chair will continue the meeting to a date certain.
- h) The Commission may continue a public hearing to a future date for the purpose of accepting new written or oral testimony from anyone who had signed up to speak on the original hearing date but did not have the opportunity to testify. A continued public hearing to a date certain does not require new public notice. A closed public hearing cannot be re-opened without issuance of a new public notice.

Section 6: Quasi-Judicial Hearing Procedures

All quasi-judicial hearings held by the Commission shall be recorded and use the following procedures:

Chair - call the meeting to order

Secretary - take attendance

Commission - review, amend and adopt the minutes of previous meetings

Chair - swear in all those who wish to offer testimony at the hearing including staff members

Chair - open the public hearing, state the purpose of the hearing and the action the Commission may take

Staff - ask each of the Planning Commission/BAR Members the following questions regarding any appearance of fairness issues:

- Do you or your family have any interest in the subject property?
- Do you stand to gain or lose by your decision on this matter?
- Have you had any ex parte communications about this application? *If so please disclose the substance of these communications and whether you think it will impair your ability to impartially decide on the merits of the application.*
- *If any Commissioner answers yes to one or more of the prior questions ask: Does anyone here object to Commissioner _____ hearing this matter?*

If any Commissioners disclose appearance of fairness issues allow the applicant or other audience members to challenge their participation in the hearing. If so challenged the Commissioner must step down from the case and leave the room. If the applicant does not object to the Commissioner hearing the case please have them state that for the record.

Staff – present the staff report and take questions from the Commission

Applicant – optional presentation and take questions from the Commission
Public – comments and questions are to be directed to the Commission
Rebuttal testimony and responses by staff, applicant and the public
Chair - close the public hearing
Commission deliberates
Any member may make a motion on the application
Any member may second the motion
Discussion
Vote
Next Item if applicable
Director's Report
Chair - adjourn the meeting

Section 7: Legislative Hearing Procedures

All legislative hearings held by the Commission shall use the following procedures:

Chair - call the meeting to order
Secretary - take attendance
Commission - review, amend and adopt the minutes of previous meetings
Chair - open the public hearing, state the purpose of the hearing and the action the Commission may take
Staff – present the staff report and take questions from the Commission
Public – comments and questions are to be directed to the Commission
Rebuttal testimony and responses by staff and the public
Chair - close the public hearing
Commission deliberates
Any member may make a motion on the application
Any member may second the motion
Discussion
Vote
Next Item if applicable
Director's Report
Chair - adjourn the meeting

Section 8: Voting. Voting on all matters except amendments to these by-laws shall be by simple majority.

- a) The Chair shall have one vote and shall enjoy the same opportunity to vote as afforded to all other Commission members.

- b) On matters considered of extreme importance, the Chair may call for roll call vote.
- c) No matter may be voted upon unless:
 - 1) The matter has been discussed at a previous meeting of the Commission, or
 - 2) The matter has been placed on the agenda prior to the meeting by any member of the Commission or by the Secretary, or
 - 3) A new legislative item, not on the agenda, and considered by a 2/3 vote of the Commission to constitute an emergency and thus warrant immediate decision, may be approved by a 2/3 vote, or
 - 4) A new procedural item, not on the agenda, may be approved by a simple majority vote.
- d) All Commission members shall have one and only one vote on any particular matter of business.
- e) There shall be no voting by proxy.

ARTICLE VI – COMMITTEES

From time-to-time, the Chair may appoint sub-committees of the Commission membership, or a Committee-of-the-Whole thereof, for purposes of furthering the conduct of Commission business. Such committees may be directed to draft or review legislative proposals, to initiate code-amendments or special studies, or to undertake research and analysis of topical matters referred to the Commission by action of the City Council.

ARTICLE VII – AMENDMENTS

These Rules of Procedure may be amended by two thirds vote of the members present at any regular or special meeting, provided notice of such proposed changes shall be transmitted by the Secretary to each member in good standing not less than five (5) days nor more than fifteen (15) days prior to such meeting.

2009 ROSTER OF COMMISSIONERS

IN ORDER OF SENIORITY

George Malina, Chair

Bill Arthur, Vice-Chair

Margaret Bratcher

Allan Ekberg

Lynn Peterson

Chuck Parrish

Brooke Alford

Wynetta Bivens, Secretary